

## REMARKS

Review and reconsideration in view of the final Office Action mailed June 8, 2010 ("Office Action") and the Advisory Action mailed September 13, 2010 ("Advisory Action"), is respectfully requested in view of the above amendments and the following remarks. Although no additional fees are believed due beyond those described in the introductory comments of this paper, the Commissioner is hereby authorized to charge any deficiency or credit any surplus to Deposit Account No. 14-1437.

At the time of the Office Action, claims 1, 7-18, 24-29, 31 and 36 were pending, with claims 1, 7-18, 31 and 36 being drawn to an elected invention. All claims were rejected under 35 U.S.C. §103(a).

### Amendments to the Claims

In this paper, claims 1, 9-13, 17, and 18 have been amended. Support for the amendments to claim 1 are found throughout the Specification. (See, e.g., page 5, lines 24-29.) The amendments to claims 9-13, 17, and 18 are solely for improving readability of these claims. Claims 15 and 36 are now cancelled. No new subject matter has been introduced by way of these amendments.

### Objections in the Advisory Action

In the Advisory Action, it is asserted that:

There are two types of steams known in the coffee/tea arts. The first is a super heated closed loop roasting steam that recycles back to the boiler after being condensed. The condensed steam typically passes a steam trap at the discharge of the roasting deck. The second type of steam is stripping steam that directly contacts the coffee or tea and is typically condensed in a condenser along with at least some of the volatiles that are stripped away from the coffee/tea. This condensed steam typically is not of sufficient purity to be used as boiler makeup water. This water typically is treated and then discharged into the sewer. The amendment to line 4 of claim 1 now appears to be stating that there are no longer two steam streams but rather just one. This amendment changes the scope of the claims and makes the claims indefinite as it now makes it unclear whether roasting is even possible at temperatures as high as 500C as required by the dependent claims when the steam for roasting is now the same steam for stripping and would be subject to a vacuum as opposed to being pressurized. This amendment also appears to add new matter as the Specification appears to require two separate steam streams and not one.

Applicants believe that the confusion lies in the fact that claims 1 and 9 each recite "super heated steam" and it is not clear whether the super heated steam in claim 1 is the same super heated steam used for roast in claim 9. To improve readability and reduce confusion, claim 9 now recites that the roasting of the raw coffee beans uses a roasting super heated steam, to differentiate from the super

heated steam used for extraction in claim 1 and the to differentiate between the roasting of the raw coffee beans (as described in claims 9-13) and the extraction process recited in claim 1. Accordingly, Applicants respectfully submit that the present amendments to the claims should not require assertion of an indefiniteness or new matter rejection.

**Claim Rejection - 35 U.S.C. §103**

In the Office Action, claims 1, 7-12, 17-18, 31 and 36 were rejected under 35 U.S.C. §103(a) as being obvious in view of GB 1057840 (hereinafter “GB”) in view of Japanese Publication No. 2003-144050 by Okada *et al.* (hereinafter “Okada”), German Publication No. DE 198 26 143 to Suwelack Nachf (hereinafter “DE ‘143”), and U.S. Patent No. 6,231,907 by Kino *et al.* (hereinafter “Kino”). Applicants respectfully disagree. Further, in view of the amendments to the claims, Applicants submit that these rejections are now moot.

With respect to claim 1, as amended, Applicants respectfully submit that the references fail to disclose or suggest each and every element of amended claim 1. In particular, Applicants respectfully submit that one of ordinary skill in the art would not have combined Okada with the remaining references as asserted in the Office Action.

Okada discloses systems and method for roasting raw coffee beans. In particular, Okada discloses a process for roasting raw coffee beans with steam in order to remove undesirable components from the raw coffee beans. In particular, Okada discloses that the roasting process produces a steam with an unpleasant odor that must be discarded. Further, Okada does not disclose or suggest using such a process on roasted coffee beans.

Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Okada with references disclosing a process for extracting tasty materials from roasted coffee beans, as asserted in the Office Action. Rather, Applicants submit that one of ordinary skill in the art would have motivated, at the most, to combine the steam-based processes in Okada and with other processes for carrying out roasting processes. That is, to prepare the raw coffee beans for subsequent use by removing any undesirable components during the roasting process.

Okada, as noted above is silent with respect to the post-roasting process and GB fails to disclose use of superheated steam. Thus, no motivation exists to combine these references to provide a post-roasting process using superheated steam, as recited in amended claim 1.

Further, even if one or ordinary skill in the art would have looked to Okada for processing of roasted coffee beans, Applicants respectfully submit that Okada, at the most, provides a motivation for using the steam processes therein for removing undesirable components from coffee beans, not as part of a process for collecting desirable components from coffee beans. Accordingly, Applicants submit that no motivation in Okada is provided for using the steam processes therein for collection purposes during a post-roasting process, as recited in amended claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1, as amended, is patentable over the asserted combination of GB, Okada, DE '143 and Kino. Accordingly, Applicants request withdrawal of the rejection of claim 1.

With respect to claims 7-12, 17-18, and 31, as amended, each of these claims is dependent on amended claim 1, while reciting additional features. Therefore, Applicants respectfully submit that these dependent claims are patentable over the asserted combination of references for at least the reasons described above with respect to amended claim 1. Accordingly, Applicants request withdrawal of the rejections of these dependent claims.

With respect to claim 36, this claim is now cancelled and its rejection is now moot. Accordingly, Applicants request withdrawal of the rejection of claim 36.

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being obvious in view of GB, Okada, DE '143 and Kino, further in view of U.S. Patent No. 5,417,993 by Takano (hereinafter "Takano"). Claims 15-16 are rejected under 35 U.S.C. §103(a) as being obvious in view of GB, Okada, DE '143 and Kino, further in view of Japanese Publication No. 2003-0033137 by Kazuyuki Yamashita *et al.* (hereinafter "Kazuyuki").

With respect to claims 13, 14, and 16, as amended, each of these claims is dependent on amended claim 1, while reciting additional features. Therefore, Applicants respectfully submit that these dependent claims are patentable over the asserted combination of references for at least the

reasons described above with respect to amended claim 1. Accordingly, Applicants request withdrawal of the rejections of these dependent claims.

With respect to claim 15, this claim is now cancelled and its rejection is now moot. Accordingly, Applicants request withdrawal of the rejection of claim 15.

**Conclusion**

For at least the reasons set forth above, the independent claims are believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned (561-847-7806) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

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